

9 FAM 41.40 CREWMAN AND CREW-LIST VISAS

9 FAM 41.41 CREWMEN

(a) Alien Classifiable as Crewman

(TL:VISA-2; 8-30-87)

An alien shall be classifiable as a nonimmigrant crewman upon establishing to the satisfaction of the consular officer the qualifications prescribed by INA 101(a)(15)(D) provided that the alien has permission to enter some foreign country after a temporary landing in the United States.

(b) Alien Not Classifiable as Crewman

(TL:VISA-2; 8-30-87)

An alien employed on board a vessel or aircraft in a capacity not required for normal operation and service, or an alien employed or listed as a regular member of the crew in excess of the number normally required, shall not be classified as a crewman.

9 FAM 41.40 Related Statutory Provisions

INA 101(a)(10)

(TL:VISA-25; 7-21-89)

(10) The term "crewman" means a person serving in any capacity on board a vessel or aircraft.

INA 101(a)(15)(D)

(TL:VISA-25; 7-21-89)

(15) The term "immigrant" means every alien except an alien who is within one of the following classes of nonimmigrant aliens--...

(D)(i) an alien crewman serving in good faith as such in any capacity required for normal operation and service on board a vessel (other than a fishing vessel having its home port or an operating base in the United States) or aircraft, who intends to land temporarily and solely in pursuit of his calling as a crewman and to depart from the United States with the vessel or aircraft on which he arrived or some other vessel or aircraft;

(ii) an alien crewman serving in good faith as such in any capacity required for normal operations and service aboard a fishing vessel having its home port or an operating base in the United States who intends to land temporarily in Guam and solely in pursuit of his calling as a crewman and to depart from Guam with the vessel on which he arrived;

INA 212(a)(7)(B)(i)

(TL:VISA-94; 9-30-94)

(B) NONIMMIGRANTS—

(i) IN GENERAL.—Any nonimmigrant who is not in possession of (A) a passport valid for a minimum period of six months from the date of the expiration of the initial period of his admission or contemplated initial period of stay authorizing him to return to the country from which he came or to proceed to and enter some other country during such period; and (B) at the time of application for admission a valid nonimmigrant visa or border crossing identification card;

[Amended by Pub. L. 101-649, sec. 601; 104 Stat. 5074; Nov. 29, 1990]

INA 212(d)(4), in part

(TL:VISA-94; 9-30-94)

(4) Either or both of the requirements of paragraph (7)(B)(i) of subsection (a) may be waived by the Attorney General and the Secretary of State acting jointly (A) on the basis of unforeseen emergency in individual cases,...

[Amended by Pub. L. 101-649, sec. 601(d)(2); 104 Stat. 5076; Nov. 29, 1990]